

SECRET81-0687
CODE

OLC # 81-1233

29 MAY 1981

File: FY82 Auth Conference
(Appeal letters)

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation on 28 May 1981 with Jim Bush (HPSCI) on our
Appeal to the 1982 Conference (U)

1. I called Jim Bush and told him we were considering whether to appeal the [] covert action cut both committees applied in 1982. The point of appeal would be the place the cut was taken from. I indicated that we did not have much trouble with either the Senate or the House position, considering the fact we had to take the cut, and I asked Jim if he had any trouble in receding to the Senate position. He said no, and I indicated that we slightly preferred that option. We will not file a formal appeal but rely on informal word to Jim Bush and Ed Levine as explaining our preference. []

25X1

2. I tried to set up a date for a briefing by NFAC to the HPSCI Staff and Congressman Robinson on the importance of external analysis. Jim said that John McMahon had briefed him for one-half hour when he was in the building on 26 May 1981 and asked if we had any additional points to make. I said I would check with John McMahon and get back to him. []

25X1

Comptroller

25X1

6/2
FBI Hoover
DOE made
patch to SAC s/c DEF
yesterday. []

SECRET

Authorizations
Conference

November 18, 1981

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H 8443

Snowe
Solari
Spence
St Germain
Stanton
Stark
Sikes
Ston
Sudds
Swift
Synar
Tausin
Taylor
Trible
Udall

Vento
Volkmer
Walgren
Washington
Watkins
Waxman
Weaver
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)

Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

NAYS—76

Anderson
Archer
Badham
Bailey (MO)
Bennett
Bevil
Brooks
Broomfield
Brown (CO)
Carney
Chappell
Collins (TX)
Conable
Coyne, James
Craig
Crane, Daniel
Crane, Philip
Dowdy
Edwards (OK)
Emerson
English
Evans (GA)
Fields
Fountain
Gephardt
Gingrich

Goodling
Green
Gregg
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hendon
Hightower
Hiller
Holt
Hopkins
Jacobs
Jeffries
Jones (OK)
Latta
Lee
Lewis
Lujan
Marks
Mica
Miller (OH)
Mitchell (NY)
Montgomery
Mottl

Myers
Oxley
Patman
Paul
Petri
Roberts (SD)
Roemer
Roth
Sensenbrenner
Shuster
Smith (AL)
Smith (OR)
Snyder
Solomon
Stangeland
Stanton
Stenholm
Stump
Tauke
Thomas
Walker
Wampler
Weber (MN)
Wylie

NOT VOTING—38

Beard
Bedell
Boiling
Breaux
Chisholm
Danielson
Dole
Dunham
Dougherty
Duncan
Ford (MI)

Ford (TN)
Forsythe
Goldwater
Gramm
Gray
Hagedorn
Johnston
Leland
Lowery (CA)
Madigan
Martin (NY)
Mattox

McCloskey
McDonald
Michel
Neal
Pashayan
Pritchard
Rangel
Rhodes
Santini
Traxler
Vander Jagt
Wright

□ 1045

The Clerk announced the following pairs:

On this vote:

Mr. Breaux and Mr. Mattox for, with Mr. McDonald against.

Until further notice:

Mr. Danielson with Mr. Duncan.
Mr. Ford of Michigan with Mr. Vander Jagt.

Mr. Leland with Mr. Rhodes.
Mr. Wright with Mr. Forsythe.
Mr. Dellums with Mr. Martin of New York.

Mr. Ford of Tennessee with Mr. Dougherty.

Mrs. Chisholm with Mr. Hagedorn.
Mr. Gray with Mr. Dornan of California.
Mr. Neal with Mr. McCloskey.
Mr. Traxler with Mr. Goldwater.
Mr. Rangel with Mr. Pritchard.
Mr. Santini with Mr. Michel.
Mr. Bedell with Mr. Madigan.
Mr. Gramm with Mr. Pashayan.
Mr. Beard with Mr. Lowery of California.
Mr. Daschle with Mr. Johnston.

Messrs. LEWIS, FOUNTAIN, and EVANS of Georgia changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 3454, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1982

Mr. BOLAND. Mr. Speaker, I call up the conference report on the bill (H.R. 3454) to authorize appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability System, to authorize supplemental appropriations for fiscal year 1981 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 16, 1981.)

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. ROBINSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. BOLAND. Mr. Speaker, the conference report which the House conferees bring back on the intelligence authorization bill resolves the differences between the two Houses on all those budgetary authorization issues concerning the intelligence and intelligence-related activities of the Government. Agreements on budgetary figures are fully incorporated into the Defense Authorization Act for fiscal year 1982 as well as this bill. The House conferees, from both the Intelligence and Armed Services Committees, worked closely to insure complete congruence between the two bills.

Mr. Speaker, I would like to summarize briefly the organization of the conference report.

Title I provides for the bulk of our intelligence and intelligence-related activities. Funds and program details are in the classified Schedule of Authorizations and the annex to the report. One exception is the authorization for the counterterrorism program

of the FBI which is unclassified. The conference report provides \$11.9 million for this function.

Title I also contains a provision insuring that funds may not be spent for any intelligence activity unless it is authorized or unless both the authorizing and appropriations committees have been notified in advance of intent to provide funds by transfer.

Title II provides for the intelligence community staff, whose function is to assist the Director of Central Intelligence with his responsibilities for overall coordination of intelligence and preparation of the budget. An authorization of 220 personnel and of \$13.6 million is recommended which is 25 fewer personnel and \$1.8 million less than requested. The reduction is in the area of external contracts and in consequence of an ongoing reorganization and consolidation of the staff.

Title III provides authorization of \$84.6 million for the Central Intelligence Agency Retirement and Disability System. This is a program established by Congress in 1964 to provide for those CIA personnel who perform hazardous duties or are in special situations, usually abroad, which may limit the length of their careers.

Title IV authorizes additional intelligence and intelligence-related expenditures in fiscal year 1981. The details of this supplemental authorization are found in the classified Schedule of Authorizations and in the accompanying classified annex to the committee's report.

Title V contains legislative provisions relating to the CIA. Section 501 authorizes payment of allowances and benefits comparable to those provided the Foreign Service and for special intelligence purposes and provides for special travel costs. Section 502 grants authority for designated personnel to carry firearms in performing specified duties. Section 503 prohibits misuse of the Agency name, initials, or seal. Section 504 authorizes payments to members of intelligence advisory committees at the daily rate of a GS-18.

Title VI contains legislative provisions related to the National Security Agency. Section 601 provides for comparability of benefits and allowances with the Foreign Service and CIA. Section 602 provides for language training and linguist reserve programs. Section 603 establishes a Senior Cryptologic Executive Service similar to the Senior Executive Service, makes special provision for research grants and procurement and prohibits misuse of the Agency name, initials, and seal.

Title VII provides for a senior executive service and merit pay system for the Defense Intelligence Agency.

Title VIII provides additional conforming personnel authorities applicable to several intelligence agencies regarding veterans preferences, annual leave, early retirement, and increases in employee benefits. It also provides that the conference report's authoriza-

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tion of appropriation does not constitute authority to engage in intelligence activities not otherwise authorized by the Constitution or law.

Mr. Speaker, I wish to note that this conference report represents the combined input on the House side, not only of the Permanent Select Committee on Intelligence and the Committee on Armed Services, but also of the Committee on Post Office and Civil Service and the Committee on the Judiciary. Both of these latter committees had concerns about Senate amendments affecting matters within their jurisdiction. By dint of close consultation and accommodation, the House conferees were able to resolve these concerns and reaffirm the jurisdictional prerogatives of these committees. As long as I remain chairman of the Permanent Select Committee on Intelligence, the committee will attempt to work closely with the other committees of the House with which it shares jurisdiction. I believe that such was the clear intent of the House in establishing the Intelligence Committee and it is the only way to achieve sensible and coherent legislative results.

Mr. Speaker, I believe that this conference report is a good one. It provides the administration with almost everything that it asked for. It contains important legislative provisions to reduce inequities in benefits and other matters.

Mr. Speaker, I urge adoption of the conference report on H.R. 3454.

Mr. ROBINSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROBINSON asked and was given permission to revise and extend his remarks.)

Mr. ROBINSON. Mr. Speaker, I rise in support of the conference report on H.R. 3454.

This bill would authorize appropriations for intelligence activities of the United States and is the result of many months of exhaustive examination of the intelligence needs of our Government.

The chairman has summarized the eight titles of the bill and I will not repeat that summary. I have participated in consideration of every item in the conference report and I fully support it. I believe it is a good conference report and urge its adoption.

The conference recommendation is a compromise which I believe represents a nearly optimum reconciliation of the two authorization bills. Moreover, it provides for real growth in intelligence programs over last year's levels and supports those intelligence programs and activities essential to our national security and foreign policy. I want to emphasize that the programs authorized by the bill are very close to the requests of the President.

Intelligence continues to receive the strong bipartisan support it needs and deserves. I am particularly pleased that this bill provides for acquisition

of a new classified technical collection capability which I believe will be of great benefit to our country.

Details of all of these matters are contained in the classified Schedule of Authorization and a classified annex to the joint explanatory statement. These documents are available for review by Members in the committee offices in the Capitol.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. McCLODY).

(Mr. McCLODY asked and was given permission to revise and extend his remarks.)

Mr. McCLODY. Mr. Speaker, I rise in support of the conference report on H.R. 3454, the Intelligence Authorization Act for fiscal year 1982.

The conferees have reached a strong consensus as embodied in the report now before the House. And, it was no small effort to do so. After all, due to the nature of the legislation, the committee members have an increased responsibility in scrutinizing the programs which are being authorized. With almost all matters under consideration being of a classified nature, the extensive meetings which took place during the legislative process on H.R. 3454 must necessarily have been conducted in secret—without the public scrutiny which normally is present, and helpful. With this in mind, I believe that the committee has carried out its responsibilities to the fullest.

Some aspects of H.R. 3454 can be discussed in this open forum, and I would like to draw attention to one for which I was named as a conferee as ranking minority member of the Judiciary Committee:

The Senate amendment contained a provision which would have established new substantive criminal proscriptions in title 18 of the United States Code. The provision would have made it a crime to kill or attempt to kill CIA personnel acting in the line of duty, intelligence defectors, or certain foreign visitors. The conferees, while agreeing that this provision has clear merit, decided to defer action until hearings could be conducted in the House on the provision embodied in a separate piece of legislation. Indeed, the gentleman from Massachusetts (Mr. BOLAND) just last Thursday introduced H.R. 4940 addressing this very matter, and the bill has been referred to the Judiciary Committee. It is my sincere hope, that the gentleman from New Jersey (Mr. ROBINSON) and the gentleman from California (Mr. EDWARDS) will share my views on this, so that this legislation will be scheduled for early consideration by the Judiciary Committee.

Mr. Speaker, I ask my colleagues to support this very vital piece of legislation.

Mr. ROBINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, as a member of the permanent Select Committee on Intelligence and one of the conferees on this bill, I would just like to rise in strong support of the conference report and associate myself with the words of the chairman, the gentleman from Massachusetts (Mr. BOLAND), and the words of our ranking minority member, the gentleman from Virginia (Mr. ROBINSON).

Mrs. SCHROEDER. Mr. Speaker, the conference report on the intelligence authorization bill provides for the establishment of personnel systems comparable to the Senior Executive Service at the Defense Intelligence Agency (DIA) and at the National Security Agency (NSA). For DIA, merit pay is also provided.

Merit pay and the Senior Executive Service were both products of the Civil Service Reform Act of 1978. For the most part, the intelligence agencies of Government were excluded from coverage under the Civil Service Reform Act because they objected to oversight of the Office of Personnel Management. The provisions in this conference report allow these agencies to set up their own independent systems, subject to the same statutory limitations as apply to the rest of the Government, but without the danger of interference from OPM. Two years ago, we did the same thing for the General Accounting Office.

Both merit pay and the Senior Executive Service have faced enormous problems in their short lives. Some of the problems stem from the basic concept, but most are caused by external factors, such as pay caps, limitations on bonuses, and poor implementation by OPM. I sincerely hope that DIA and NSA can do better with the performance-based personnel systems established by the Civil Service Reform Act.

Mr. BOLAND. Mr. Speaker, I have no further requests for time.

Mr. ROBINSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOLAND. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEISS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

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The vote was taken by electronic device, and there were—yeas 379, nays 22, not voting 32, as follows:

[Roll No. 311]

YEAS—379

ddabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Bliley
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Brown (CO)
Brown (OH)
Broyhill
Burger
Butler
Byron
Campbell
Carman
Carney
Chappell
Chapple
Cheney
Clausen
Clinger
Coats
Coelho
Coleman
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courtner
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
de la Garza
Deckard
DeNardis
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Dunn
Dwyer
Dymally

Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Emery
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Evans (IN)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Filippo
Florio
Foglietta
Foley
Fountain
Fowler
Frank
Frenzel
Frost
Fuqua
Gaydos
Gedensont
Gephardt
Gibbons
Gillman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Green
Gregg
Grisham
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries

Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kramer
LaFalco
Lagomarsino
Lantos
Latta
Leach
Leath
LeBoutillier
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Markay
Marks
Marlenee
Marriott
Martin (IL)
Martin (NC)
Matsui
Mavroules
McClory
McCollum
McCurdy
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (NY)
Moakley
Moffett
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Murtha
Myers
Napier
Natcher
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle

Porter
Price
Pursell
Quillen
Rahall
Rallsback
Ratchford
Regula
Reuss
Rinaldo
Roberts (KS)
Roberts (SD)
Robinson
Roe
Roemer
Rogers
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Roussetot
Roybal
Rudd
Russo
Sabo
Sawyer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Shamansky
Shannon
Sharp

Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solara
Solomon
Spence
St Germain
Stangeland
Stanton
Staton
Stenholm
Stratton
Studds
Stump
Swift
Synar
Tauke
Tausin
Taylor
Thomas
Traxler
Trible

Udall
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Watkins
Waxman
Weber (MN)
Weber (OH)
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zablocki
Zeferetli

A motion to reconsider was laid on the table.

□ 1115

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO SIT THIS AFTERNOON AT 2 O'CLOCK P.M. AND TOMORROW AT 2 O'CLOCK P.M. UNDER 5-MINUTE RULE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be allowed to sit this afternoon at 2 o'clock and tomorrow afternoon at 2 o'clock if the House should be under the 5-minute rule.

The SPEAKER pro tempore (Mr. Fuqua). Is there objection to the request of the gentleman from Indiana? There was no objection.

CONFERENCE REPORT ON H.R. 4522, DISTRICT OF COLUMBIA APPROPRIATIONS, 1982

Mr. DIXON. Mr. Speaker, I call up the conference report on the bill (H.R. 4522) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1982, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 12, 1981.)

The SPEAKER pro tempore. The gentleman from California (Mr. Dixon) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. COUGHLIN) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from California (Mr. Dixon).

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIXON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. DIXON asked and was given permission to revise and extend his remarks.)

Mr. DIXON. Mr. Speaker, today we bring to the House the conference agreement on the District of Columbia appropriation bill for fiscal year 1982. This bill was passed by the House on September 22 and by the Senate on October 30. The joint conference committee met last Thursday, November 12, and completed action on the 42 Senate amendments to the bill and

NAYS—22

Burton, John
Burton, Phillip
Clay
Collins (IL)
Conyers
Crockett
Dellums
Ford (TN)

Garcia
Kastenmeier
Mitchell (MD)
Paul
Rangel
Richmond
Rodino
Savage

Scheuer
Selberling
Stark
Stokes
Weaver
Weiss

NOT VOTING—32

Aspin
AuCoin
Beard
Bedell
Bolling
Breaux
Chisholm
Daniel, Dan
Danielson
Dornan
Dougherty

Duncan
Ford (MI)
Forsythe
Goldwater
Gray
Hagedorn
Johnston
Leland
Madigan
Martin (NY)
Mattox

Mazzoli
McCloskey
McDonald
Neal
Pritchard
Rhodes
Ritter
Santini
Vander Jagt
Young (MO)

□ 1100

The Clerk announced the following pairs:

On this vote:

Mr. Young of Missouri for, with Mr. Leland against.

Mr. Dan Daniel for, with Mrs. Chisholm against.

Until further notice:

Mr. AuCoin with Mr. Vander Jagt.
Mr. McDonald with Mr. Rhodes.
Mr. Ford of Michigan with Mr. Dornan of California.

Mr. Santini with Mr. Beard.
Mr. Neal with Mr. Ritter.
Mr. Breaux with Mr. Pritchard.
Mr. Mazzoli with Mr. Dougherty.
Mr. Mattox with Mr. McCloskey.
Mr. Danielson with Mr. Martin of New York.

Mr. Aspin with Mr. Duncan.
Mr. Gray with Mr. Forsythe.
Mr. Bedell with Mr. Goldwater.
Mr. Madigan with Mr. Hagedorn.

Mr. RODINO changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.